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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1238 (1999) of 14 May 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 14 September 1999, and asked me to report every 45 days on significant developments in the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1), of the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III), and of the United Nations package of measures (S/1999/483/Add.1).

2. As provided in its resolution 1238 (1999), the Security Council's decision to extend the mandate of MINURSO until 14 September 1999 was taken in order to resume the identification process, start the appeals process and conclude all outstanding agreements needed to implement the Settlement Plan. At the same time, the Council requested me to report on the issues which would form, inter alia, the basis for its consideration of a further extension of the Mission's mandate, namely, the full and unequivocal cooperation of the parties during the resumption of voter identification and during the start of the appeals process; agreement by the Government of Morocco on the modalities of implementing paragraph 42 of the Status-of-Forces Agreement; agreement of the parties on the protocol relating to refugees; and confirmation that the Office of the United Nations High Commissioner for Refugees (UNHCR) is fully operational in the region. The Council also requested UNHCR to provide recommendations for confidence-building measures and timelines for their implementation. The Council further requested me to submit a revised timetable and financial implications for the holding of the referendum for the self-determination of the people of the Western Sahara in accordance with the Settlement Plan and the agreements with the parties for its implementation. The present report covers developments since my previous report to the Security Council, dated 12 August 1999 (S/1999/875).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

3. My Special Representative for Western Sahara, Mr. William Eagleton, pursued consultations with the parties with a view to securing the continuation of the appeals process and the simultaneous identification of the remaining applicants from tribal groupings H41, H61 and J51/52, as well as preparatory work for the repatriation of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families. To this end, my Special Representative met with the Prime Minister of Morocco, Abderrahmane Youssoufi, the Minister of the Interior, Driss Basri, the Minister for Foreign Affairs, Mohamed Benaissa, and the Permanent Representative of Morocco to the United Nations, Ahmed Snoussi, at Rabat from 16 to 19 August 1999. The Chairman of the Identification Commission of MINURSO, Eduardo Vetere, met with the Frente POLISARIO Coordinator with MINURSO, Emhamed Khaddad, at Tindouf on 17 and 18 August.

A. Identification and appeals

4. The above-mentioned consultations resulted in the settlement of two outstanding issues in the identification process, namely, the appointment by each side of a second Ait Ousa sheikh and the designation of advisers to the H61 sheikhs (see S/1999/875, para. 10). This led to the resumption, on 6 September, of the identification operations which had been suspended by the Identification Commission since 24 July 1999 (see S/1999/875, paras. 5 and 10). Commission staff deployed to appeals centres in July and August 1999 were re-assigned to identification operations after the closing of five appeals centres on 3 September, as indicated in paragraph 6 below.

5. As at 3 September 1999, a total of 47,796 appeals had been received by MINURSO and 14,750 applicants had accessed their identification files. The Identification Commission had provided 34,243 file transcripts to applicants. At some of the 16 appeals centres, the number of applicants reached 1,500 per day; the number of Commission staff was increased to cope with these large numbers of applicants. The majority of appeals received to date (40,440) are against non-inclusion in the first part of the provisional list of persons eligible to vote which, as indicated in my previous report (S/1999/875, para. 7), was issued on 15 July 1999. These appeals fall, for the most part, under article 9.1 (iii) of the appeals procedures (S/1999/483/Add.1), that is, appeals from candidates who have appeared before the Identification Commission but who, in the latter's estimation, have not established their eligibility to vote according to the eligibility criteria contained in the reports of the Secretary-General dated 19 December 1991 (S/23299, annex) and 28 July 1993 (S/26185, annex I). To date, 7,356 appeals challenging another person's inclusion in the provisional list have been received under article 9.2 of the appeals procedures.

6. On 3 September, in accordance with the six-week period allotted, the Identification Commission closed receipt of appeals at five centres (Laayoune in the Territory, Camp Smara in the Tindouf area of Algeria, Nouadhibou in Mauritania and Tan Tan and Goulimine in southern Morocco). The Commission plans to close five other centres (Marrakech in Morocco, Dakhla, Boujdour and Smara in

the Territory, and Zouerate in Mauritania) on 11 September and the remaining eight (Sidi Kacem, El Kelaa des Sraghna, Meknes, Rabat and Casablanca in Morocco, and the mobile centre in the Tindouf area covering Camps El Aiun, Smara and Dakhla) on 18 September. At the same time, the Commission is continuing the preparations for hearings on admissibility and substance of appeals.

7. Training was pursued at Agadir until 21 August for nine groups of new United Nations personnel, for a total of 88 trainees. The shortage of qualified staff to provide service for both the appeals and identification operations remains a major constraint, despite the envisaged redeployment of personnel to the identification operations after the closing of appeal centres between 3 and 18 September. Staffing requirements will again be evaluated once the total number of appeals is known. At the same time, the Organization of African Unity (OAU) is increasing the strength of its observer delegation to MINURSO, to ensure adequate coverage of the identification and appeals work.

8. Standard communications matériel essential for the functioning of the identification centres has been held for several weeks at the airport customs in Laayoune, awaiting certification by the Agence nationale de réglementation des télécommunications. In this connection, MINURSO is seeking a waiver of certification for the United Nations communication equipment. The Permanent Mission of Morocco to the United Nations is being approached to that effect.

B. Military aspects

9. Meetings were held between the MINURSO Force Commander, Major-General Bernd S. Lubenik (Austria) and Moroccan representatives on 16 and 24 August, on modalities for the implementation of paragraph 42 of the status-of-forces agreement between the United Nations and Morocco, concerning the carriage of weapons. Further discussions are expected to be held in September, with a view to finalizing an arrangement to that effect.

10. At the same time, satisfactory progress has been made in the implementation of the military agreements between MINURSO and each party on the marking and disposal of unexploded ordnance and the related exchange of detailed information. Both parties continued to extend their full cooperation to MINURSO, with 61 per cent of current tasks west of the defensive sand-wall (berm) and 35 per cent of those east of the berm completed.

11. As at 6 September 1999, the strength of the military component of MINURSO stood at 230 military observers and other personnel (see annex). The component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities in the near future.

C. Civilian police aspects

12. During the reporting period, the civilian police component of MINURSO continued to assist the Identification Commission at identification and appeal centres. Its current strength stands at 80 civilian police officers (see annex) out of an authorized strength of 81, under the command of the Acting Commissioner, Assistant Commandant Sunil Roy (India). An additional 25 civilian police officers have been requested to assist the Identification Commission in conducting the identification and appeals processes simultaneously, as required.

D. Preparatory work for the repatriation of Saharan refugees

13. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR), in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan. UNHCR has established its presence in the region. Missions are deployed to the area as and when required to conduct the necessary activities aimed at completing the preparatory work and planning for the repatriation of the refugees.

14. Pursuant to Security Council resolution 1238 (1999), a UNHCR mission visited Rabat on 24 and 25 August 1999 and had discussions with Interior Minister Basri and other officials of the Ministry of the Interior, regarding the draft plan of action on cross-border confidence-building measures. The Moroccan authorities agreed in principle with the activities envisaged by UNHCR, which are aimed at fostering a climate of confidence within the Territory and in the Tindouf refugee camps. Minister Basri reiterated his Government's full support and cooperation to enable UNHCR to complete its preparatory activities as provided for under the Settlement Plan. Some progress was also made with the Moroccan authorities in the discussions regarding the draft refugee repatriation protocol.

15. The report on the joint MINURSO-UNHCR road reconnaissance has been completed and its findings will enable both MINURSO and UNHCR to update their respective logistics planning and enhance the necessary collaboration between UNHCR and the military and civilian police components of MINURSO. On the basis of the findings of the first joint reconnaissance visit to the Territory, UNHCR is now preparing a follow-up mission to complete its planning for the return of the refugees.

16. The UNHCR pre-registration exercise in the Tindouf camps was suspended on 21 August 1999 at the request of the Frente POLISARIO, owing to the holding of its annual congress, and is expected to resume on 10 September 1999. To date, 26,429 refugees (3,701 families) have been pre-registered. UNHCR continued to receive full cooperation from the Frente POLISARIO and the Government of Algeria in the implementation of its preparatory activities in the camps. The activities include the pre-registration and needs assessment of the refugees, who showed their eagerness to take part in the confidence-building activities and welcomed the UNHCR initiative in that regard. UNHCR is setting up meetings with the Government of Algeria and the Frente POLISARIO, for the holding of

detailed discussions on the draft plan of action for confidence-building measures and on the draft refugee repatriation protocol.

E. Other aspects

17. Mr. Emmanuel Roucounas (Greece), who was appointed by my predecessor as the Independent Jurist for Western Sahara in May 1995, has indicated that, owing to other commitments, he will no longer be able to serve in that capacity. I wish to place on record my personal appreciation and that of the United Nations for the outstanding contribution that Mr. Roucounas has made to the implementation of the Settlement Plan, in particular on issues related to the release of Saharan political prisoners and detainees. It is my intention to appoint a new Independent Jurist in due course.

III. FINANCIAL ASPECTS

18. As indicated in my previous report to the Security Council (S/1999/875, para. 22), the General Assembly, by its resolution 53/18 B of 8 June 1999, appropriated the amount of $52.1 million, equivalent to a monthly rate of some $4.3 million, for the maintenance of MINURSO at the strength authorized by the Council in its resolution 1133 (1997) for the period from 1 July 1999 to 30 June 2000.

19. With regard to the additional costs associated with the conduct of the identification and appeals processes, I intend to request authorization from the Advisory Committee on Administrative and Budgetary Questions to enter into commitments to incur additional expenditure for this purpose in an amount currently estimated at some $6.7 million. These additional requirements will be incorporated into the revised budget of MINURSO, which I intend to submit to the General Assembly at a later time, together with other requirements that may be necessary in connection with my future recommendations to the Council as to the preparations for the full deployment of MINURSO. Therefore, should the Council approve my recommendation, contained in paragraph 26 below, with regard to the extension of the mandate of MINURSO, the cost of maintaining the Mission will be within the monthly rate approved by the General Assembly and the commitment authority being sought from the Advisory Committee.

20. As at 31 August 1999, unpaid assessed contributions to the MINURSO special account amounted to $60.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,965.9 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

21. While some delays have occurred, the continuation of the appeals process and the resumption of the identification operation on 6 September can be considered as positive indications that both Morocco and the Frente POLISARIO intend to maintain the progress made towards the holding of the referendum. Difficulties with respect to the nomination of additional sheikhs and of advisers to the sheikhs have been resolved. Shortages of qualified United

Nations personnel have been addressed in part. The Identification Commission now foresees the completion of identification for remaining applicants from the tribal groupings H41, H61 and J51/52 before the end of December 1999. However, the remaining tasks are still daunting. The number of appeals filed to date is substantial and will require more time and the deployment of a larger staff than originally envisaged. After the closure of receipt of appeals on 18 September 1999, the Commission will be in a better position to estimate the time required to complete the processing of the appeals and the holding of hearings.

22. I wish to place on record my appreciation for the close cooperation extended to MINURSO by the OAU observer delegation led by Ambassador Yilma Tadesse (Ethiopia), in support of the implementation of the Settlement Plan and in particular the work of the Identification Commission.

23. Preparations for the repatriation of refugees have been jointly addressed by UNHCR and MINURSO, and relevant consultations are in progress with the Government of Morocco and the Frente POLISARIO. The UNHCR plan of action for confidence-building measures is under discussion with the parties, as is the draft repatriation planning protocol. UNHCR has designated a senior representative to be posted to Laayoune, and is actively pursuing technical planning activities in the Territory. Pre-registration in the refugee camps in the Tindouf area is expected to resume on 10 September 1999, following a brief suspension during the Frente POLISARIO congress.

24. In consultation with United Nations Headquarters, discussions between MINURSO and the Moroccan authorities are in progress on modalities for implementing paragraph 42 of the status-of-forces agreement concerning the carriage of weapons by MINURSO troops. An arrangement to that effect is expected to be finalized this month.

25. While the developments outlined above fall short of earlier expectations, I believe that, when account is taken of events outside the control of the parties and the United Nations, they could be considered as progress. However, given the delays which have occurred in the identification operations, I am not yet in a position to submit to the Security Council a revised timetable and financial implications, including recommendations that the Council authorize preparations for the full deployment of MINURSO. I believe that it should be possible to do so early in December 1999, if present efforts are maintained and enhanced by all concerned.

26. In the meantime, I recommend that the Security Council consider extending the mandate of MINURSO for a period of three months, until 14 December 1999. This would allow for the completion of identification as envisaged and for a comprehensive assessment of steps taken towards the completion of the appeals process, as well as towards the preparation of repatriation and the start of the transitional period.

Annex

United Nations Mission for the Referendum in Western Sahara

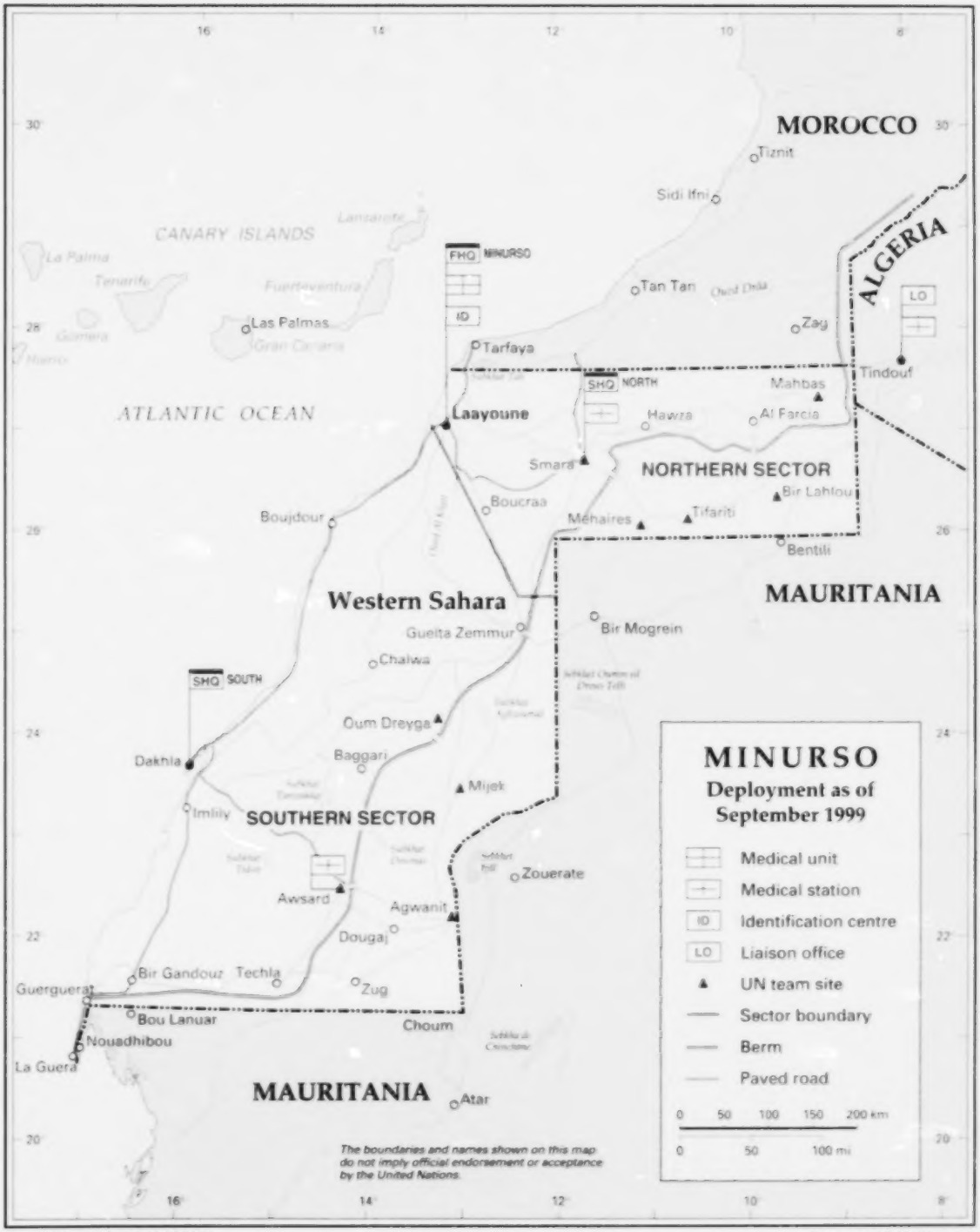
Contributions as at 6 September 1999

	Military observers	Troops	Civilian police observers	Total
Argentina	1	-	-	1
Austria	5	-	-	5[a]
Bangladesh	6	-	-	6
China	16	-	-	16
Egypt	19	-	1	20
El Salvador	2	-	-	2
France	25	-	-	25
Ghana	6	7	9	22[b]
Greece	1	-	-	1
Guinea	3	-	-	3
Honduras	12	-	-	12
Hungary	-	-	5	5
Ireland	7	-	-	7
India	-	-	10	10
Italy	5	-	-	5
Kenya	8	-	-	8
Malaysia	13	-	10	23
Nigeria	5	-	10	15
Norway	-	-	2	2
Pakistan	6	-	9	15
Poland	3	-	-	3
Portugal	4	-	9	13
Republic of Korea	-	20	-	20
Russian Federation	25	-	-	25
Senegal	-	-	5	5

	Military observers	Troops	Civilian police observers	Total
Sweden	-	-	10	10
Uruguay	13	-	-	13
United States of America	15	-	-	15
Venezuela	3	-	-	3
Total	203	27	80	310

[a] In addition to the Force Commander.

[b] One Ghanaian civilian police officer will arrive in the mission area in a few days time.



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